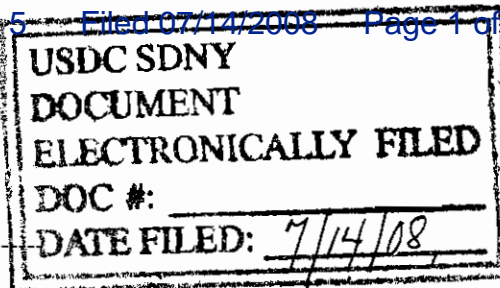


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,



CONSENT TO PROCEED BEFORE
A UNITED STATES MAGISTRATE
JUDGE ON A FELONY PLEA
ALLOCATION.

-against-

Marcelino Antonio Pena-Rodriguez,
Defendant.

Docket No. 08 Cr. 424 (SAS)
Before: Douglas F. Eaton
U.S.M.J.

The undersigned defendant, advised by his or her undersigned attorney, consents to a United States Magistrate Judge presiding over the proceedings required by Rule 11, Fed. R. Crim. P., for me to enter a plea of guilty in my case, or to change my plea, if one has been previously made, from not guilty to guilty. I understand that if my plea is accepted, my sentencing will take place before the United States District Judge who is assigned, or who is to be assigned, to my case.

I understand that I have the absolute right to insist that all Rule 11 proceedings be conducted before an Article III Judge, and hereby represent and confirm to the Magistrate Judge that no threats or promises, or other improper inducements, have been made to cause me to consent to this procedure, and that I do so voluntarily.

IN WITNESS WHEREOF we have executed this consent this 9th
day of July, 2008 at SDNY, New York.

x Marcelino A. Pena
Defendant

x Fiona O'Reilly
Attorney for Defendant

Accepted by: Douglas F. Eaton
United States Magistrate Judge

USDC SDNY
DATE SCANNED 7/14/08